1931

C.F. 71 & 72.

Department of L. R. & Sett

OFFICE B of Rev

STATION Madras.

on F. 1765/31

To whom sent		Date	Initial
	Given for copying		
	Copied		
	Examined		
	Signed		
	Given for despatch		
	Despatched		
Pages in the file	Indexed		
	To be destroyed on*		

(SUBJECT.)

To

The Secretary to the Commissioner to the Board of Revenue,

Land Revenue and Settlement,

Madras.

Honoured Sir,

The humble petition of B.Subbanachar of Kamalapur village Hospet Taluk Bellary District against the orders of the District Collector D.Dis. No. 2569 dated 9-12 most respectfully showeth:-

1. The petitioner is the purchaser at Government auction Takkavi and Land Revenue arrears for Fasli 1338 of Paimaish No. 59 of Hampi village Hospet Taluk. The owner of the lan at the time of said sale was one Narasinga Rao and he was aware of the sale on 12-6-29 and had sent a telegram to the Sub Collector Hospet for setting aside the sale and his re was not complied with by the authorities after due consider being of opinion that the facts set out in the telegram wer false, frivolous, and vexatious. The sale to the petitione of the said land was confirmed by the Sub Collector of Hosp in his order L.Dis.2225 dated 22-12-29 and the said land ha been in the petitioner's possession since the sale on 12-6-

2. The land was waste a year before the Revenue auction and your humble petitioner after purchase spent considerabl amount in improving the land and making it fit for cultivat In all about Rs. 100/- had been spent for the said improvem and Land Revenue for the fasli 1339 was also paid by the petitioner. The land has been in the petitioner's possess to this day and he will be paying Land Revenue for it this year as usual.

3. In April or May 1930 , one Dina Dayalu Mudaliar, the petitioner learns, put in a petition alleging that he was t purchaser of Paimaish No. 59 above referred to from Narsin as per registered sale deed to him in June 1928 or so, that had no notice of the Revenue sale of Paimaish No. 59 [illegible]

that he had given the land for lease to one Hanumantha.I was Jailed for preferring false complaint and misappropriation of co-operative Society moneys. The District Collector, Bellary has on that petition set aside the sale of Pa h No.59 of Hampi village and the District Collector's order setting aside the sale is, the petitioner submits, illegal and unjustifiable.

4. Paimaish No.59 sold to this petitioner was one of the lands hypothicated for takkavi loan by one Kasi Rao. First P.Nos. 80/4 and 171/1 were put up for sale in 1928 for Takkavi arrears and they were sold for Rs. 70 and 170 respectively. But it appears the sales were cancelled as they fetched low prices in the estimation of the Sub Collector, Hospet. Meanwhile, one Hanumakka, had charge over No.80/4 for maintenance as per decree in O.S. ~~706/28~~ 759/27 EP 706/28 + 488/29 and nobody would venture to purchase it even if sold as the purchaser will have in addition to paying Government Takkavi arrears to pay Hanumakka's decree amount viz. Rs.600/- in O.S. ~~706/28~~ 759/27 of the District Munsiff's Court, Hospet. Besides anybody purchasing the property will have to risk himself as the property No.80/4 was the subject matter of O.S.759/27 above referred to whic was not completely disposed of. Besides the Government would have according to District Munsiff's order right to sale proceeds if the Civil Court ~~xxkxx~~ notified ~~xhxmxtx~~ ~~pxxxx~~ their sale to take place. So, sale of Paimaish ..... was left off by the order of the Sub Collector as it involv complicated questions of law and facts and risk to purchase and other lands were advertised for sale as by that time land Revenue arrears also had to be recovered. The sale of Paimaish No.59, was duly advertised and effected on 12-6-29, and the petitioner knocked it down for the highest bid amount in open auction. The sale proceeds realised from the petitioner were adjusted towards the arrears of land Revenue about Rs.50 and odd and the balance towards arrears of takkavi loan by Government. The petitioner has

has been in possession since then paying assessment regularly and has improved the land and the sale was confirmed duly by the Sub Collector, Hospet on 22-12-29.

5. Mr. Deenadayalu Mudaliar who has alleged himself to be the purchaser of Paimaish No.59 from the Pattadar Mr. Narasinga Rao, is not a real owner of Paimaish No.59 and the sale to him is only nominal and there was absolutely no consideration for the sale. The mention of consideration in the sale deed in his favour is untrue and fictitious and the document must have been brought ~~xx~~ into existence to dupe the Government. The ~~xxxxxx~~ Pattadar has been giving all troubles in the matter of the realisation of the Sarkari arrears by Government by setting up his relatives and others. Mr. Deenadayalu Mudaliar has not obtained transfer of patta of P.No.59 of Hampi village in his name which will not be the case if the sale to him is true. Nor has he paid any assessment for the land. The land was waste and statements of well to do neighbouring field owners Hanuman Singh and the petitioner recorded by the Tahsildar of Hospet regarding the condition of the fields prior to the sale to the petitioner may kindly be perused. At the time of sale of Paimaish No.59 to the petitioner, the Pattadar Narasinga Rao has, this petitioner learns, wired to the Sub Collector, Hospet to stop the sale which he would not have done if the sale to Mr. Deenadayalu Mudaliar is really true. The telegram if any may kindly be sent for and perused. If really Mr. Deenadayalu Mudaliar was particular about his land as he ought to have known the encumbrance on the land, he ought to have deposited Re. one in the Sub Treasury for obtaining the information of sale as required by B.S.O. 41 (10) and he has not cared to know anything because he was a nominal purchaser not interested in the land. He has now been set up by the Pattadar Narasinga Rao and the allegations in his petition that he was not aware of sale etc., are all false and purposely made for the sake of the petition. He cannot be expected to be so callous about his property and no prudent person can believe that he was unaware of the sale till

till after several months say about 10 months of delivery possession to the petitioner and enjoyment of same by him. Mr. Deenadayalu Mudaliar is in the Co-operative Department and his alleged lessee has been in Jail ~~in 1928 and 1929~~ from 8-9-29 to June 30 and he had full knowledge of it and he cannot be expected to be without paying assessment for the land, if really he is the owner, in 1929 April. So Mr. Deenadayalu Mudaliar's petition ought to have been dismissed by treating him as being a ~~fictitious~~ fictitious and nominal purchaser set up by the Pattadar Narasinga Rao.

6. The sale proceeds realised from this petitioner were adjusted towards the arrears of land Revenue and Takkavi and so the ~~xx~~ sale to the petitioner cannot be set aside as it was for land Revenue also. Besides Mr. Deenadayalu Mudaliar's petition was filed more than 3 months after the confirmation of sale to this petitioner and as per B.S.O. 41 (12) the District Collector, it is submitted, has no powers to cancel the sale and so, the District Collector's order D.Dis.No.2569 dated 9-12-30 is, the petitioner submits, illegal and ultra vires. The petitioner further submits that it is also unjustifiable for the aforesaid reasons.

7. The Sub Collector being the Officer on the spot and being in the complete know of things has after exercise of due discretion ordered sale of P.No.59 and his action was under the circumstances quite justifiable. He first ordered sale of [illegible] and after knowing that there will be low bids or no proper bids as the purchaser had the fear of complicated litigation, and trouble and worry, he had to order the sale of other lands and his discretion was properly used and it is submitted that his orders should not have been lightly set aside.

8. As the sale to the petitioner was proper and as he being the ~~xxx~~ proper and innocent purchaser had spent considerably to the extent of over Rs.100/- in bringing the land Paimaish No 59 under cultivation. the District Collector should have considered well the alleged sale to Mr. Deenadayalu Mudaliar as disclosed in his petition sent long after the time allowed by the

allowed by the rules, and ought to have ordered him to go to a Civil Court and establisnxx his doubtful claim. The Collector also failed to note the most vital point that the Government have a prior claim over the lands of a person to deal with them for the arrears due to Government either land Revenue or Takkavi.

9. : For all the above reasons, your humble petitioner prays that the District Collector's order D.Dis.No.2569 dated 9-12-30 may be cancelled and the sale to the petitioner may be retained If for any reasons the Board also were to approve of the District Collector's order, the petitioner submits, that may be paid back the sale proceeds plus the amount of Rs.100/- spent by him in improving the land and the assessment paid by him till now.

For which act of kindness and justice the petitioner ever prays.

The Petitioner begs to remain,

Honoured Sir,

Your most obedient servant.

B. Subbachar
20th March 1931.

LandHolder of Kamalapur,
Hospet Taluk, Bellary Dt.

72323

Kamalapur
Dt 25. 4. 31

7 RP 13
encls
4 Rs as

7

The Secretary to the Board of Revenue
Land Revenue and Settlement
Madras

Sir,

Postcard

As per your Ref F 1765/31-1 dated 31-3-
I have herewith enclosed the order appealed
against duly Stamped. If copy of the collector
order (in full) is required I request, I may be gi
another months' time for the same as I applied
for a copy of the same on 5-4-31 and am told
that I cannot get it this month on accou
of jamabandi.

Soliciting the favour of early reply for the same

I beg to remain,
Sir,
Your most obedt
B. Lakshmacharlu
Kamalapur
Bellary Dt
25-4-31.

Encls I am noting R.L. 610/34 from
the Taluk office Gooty dt 31-12-30
intimating the cancellation
of sale ordered by the Collector
of Bellary in D. No 2566/9-12-30

Nungambakkam
Dt. 2.12.31

The Secretary to the Govt. of India
Home Department
Madras

Sir,

In the Spec. Ref. F. 1765/31-Judl. dt. 31.12.31
I have honour to ...
...
...

కొమలాంపురం సాలుమరం కొంపుర సుత్తాల్ల సుబ్బా

బాక్ష కొలమం టీసు

మం సర్వే నం॥ 59 యొక్క యూలం విషయమై దీ

దివదతి యూం రీ యొక్క అర్జి పై న యూలం సాక్ష్యం

ం చెరిన సబ్ మా॥ జిల్లా కలెక్టరు దొర వారిచే

6/9-12-30 నం చదలుగా వేసుకొని వచ్చియున్న

సర్వే యూలం లాయూలం పాటు దార్ల కు దీకుం

లాలం మీరు కొలుపు వారిచ్చు యుచ్చేలాగున వ్రాసి

మరుపరాచి సర్వే శేషం దుతు కొనివేయవలసినది

Fr Abdul Rahman
Mandya
Rs 10 ఫీ

K Subbarao
31-1-31

for Tahsildar
31/1/30

Draft for approval 11

Subject.

Advances. Loans (Bellary
Hospet taluk. Hampi village
Petn. from Subbanachar.

AS (Sett)

pj 7/5.

Revs. 1232-B/31 — Q.

Refce: F. 1765/31-2 of 5.5.31

The petitioner is informed that he should submit an authenticated copy of the Collr's order appealed against in full. So as to reach this office not later than 1.6.31 failing which the appeal will be summarily rejected.

5.5.31

BO
5.5.31.

S.T.K. 6.5.31

To
The petr.

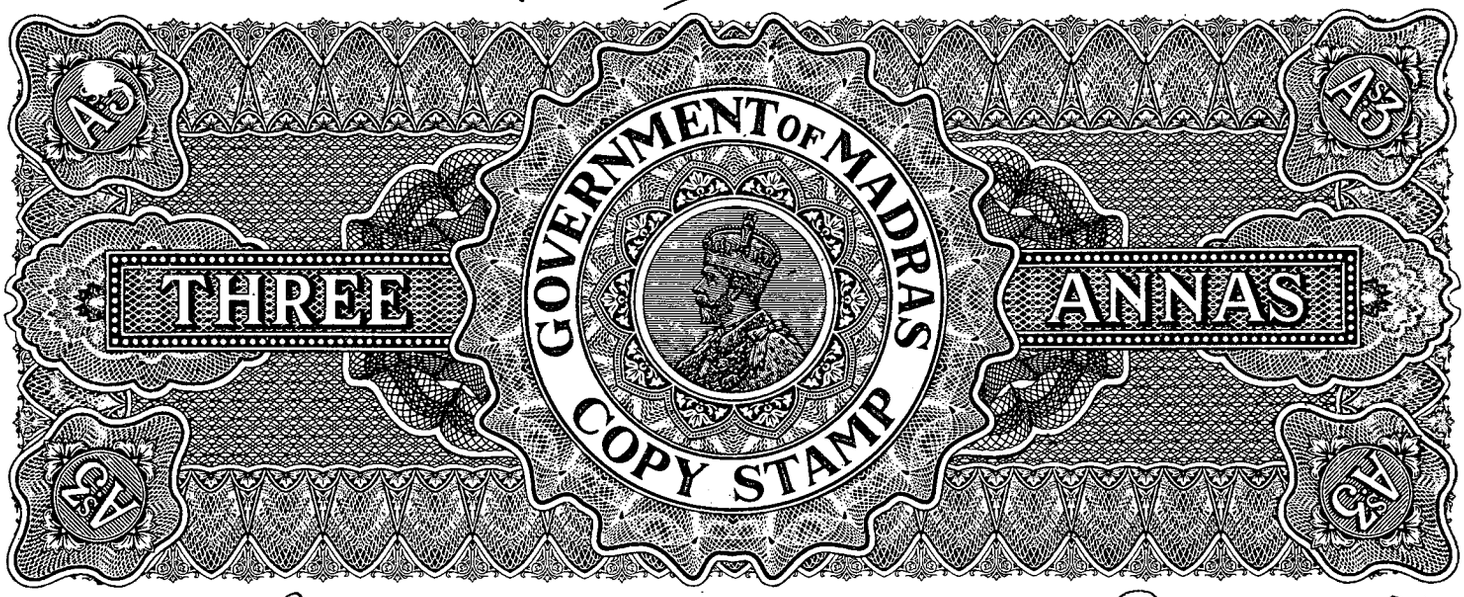
B. Subbanachar
Kamalapur, Hospet taluk,
Bellary Dt.

DESPATCHED
7 MAY 1931

7/5

BOARD OF REVENUE
18 MAY 1931
LAND REVENUE AND SETTLEMENT

Collbio C.A. 19/31 15 B. Sabhanayakulu



(1)

Proceedings of the Collector of Bellary
A.M.A.C. Galletti Esq., M.A., I.C.S.,
D. Dis. C. 2566/30. A-5 Dated 9.12.1930.

Land sale - Hospet Taluk - Hampi Village No. 59 - Cancellation of sale - ordered.

2) Petition of Deenadayal dated 29.4.30 requesting for the cancellation of the sale of No. 59 of Hampi.

3) Hospet Tahsildar's report L.O. 10/34 dated 26.5.30 and 22.8.30.

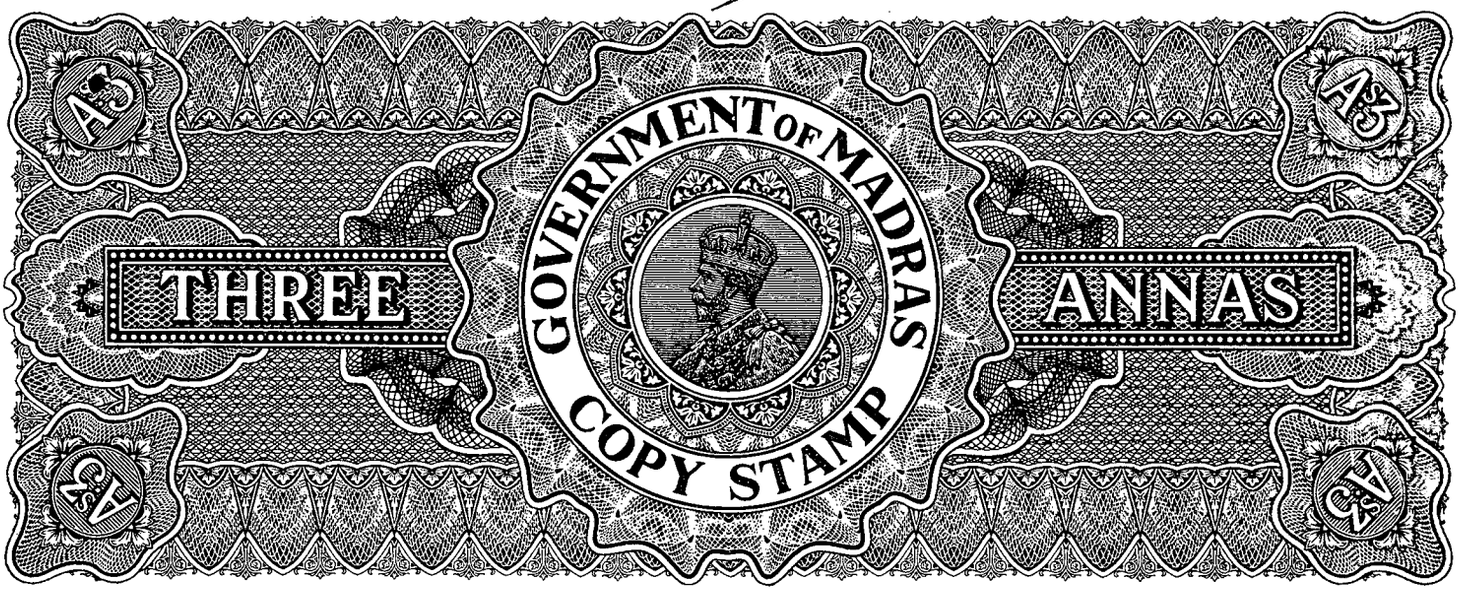
4) Hospet Sub Collector's L. Dis. 4867/A dated 1.11.1930.

Order

A loan of Rs 500/- was granted to one Patil Kasi Rao on 23.12.24 in L.I.L.O. 10/F 1334 for the improvement of No 80/4 on the security of the lands noted below.

	Ext	Jasam	
No 80/4	5.20	Rs 22.1.4	Inam Wet
No 68/6	1.15	0.13.10	Govt dry
No 141/1	1.99	16.6.1	Inam Wet
No 59	2.21	9.6.3	-do-
No 132	1.15	4.14.2	-do-

1-20 (K)



The borrower was a resident of Kobal (H.E.H. the Nizam's Dominions) and died later leaving a son, Narasinga Rao. The latter having made default in the payment of the loan instalments for fasli 1337, the hypothecated lands were attached for the arrears due and notified for sale on 20.12.28. No 171/1 and 80/4 were sold for Rs 170/- and 70/- respectively. The sale was can-celled by the R.D.O Hospet on the ground that the bid amount was low and that No 80/4 had been ordered to be sold by the District Munsif, Hospet in satisfaction of a decree in O.S 706/28 obtained by one Hampi Hanumakka on this land for her maintenance. All the lands were again ordered to be put up for sale. Nos 171/1 and 59 were sold on 12.6.29 for Rs 310/- and Rs 322/- respectively. Further sale was stopped as the amounts covered the entire dues. Against this sale one Lakshmibai put in a

pp51-55 of (5)

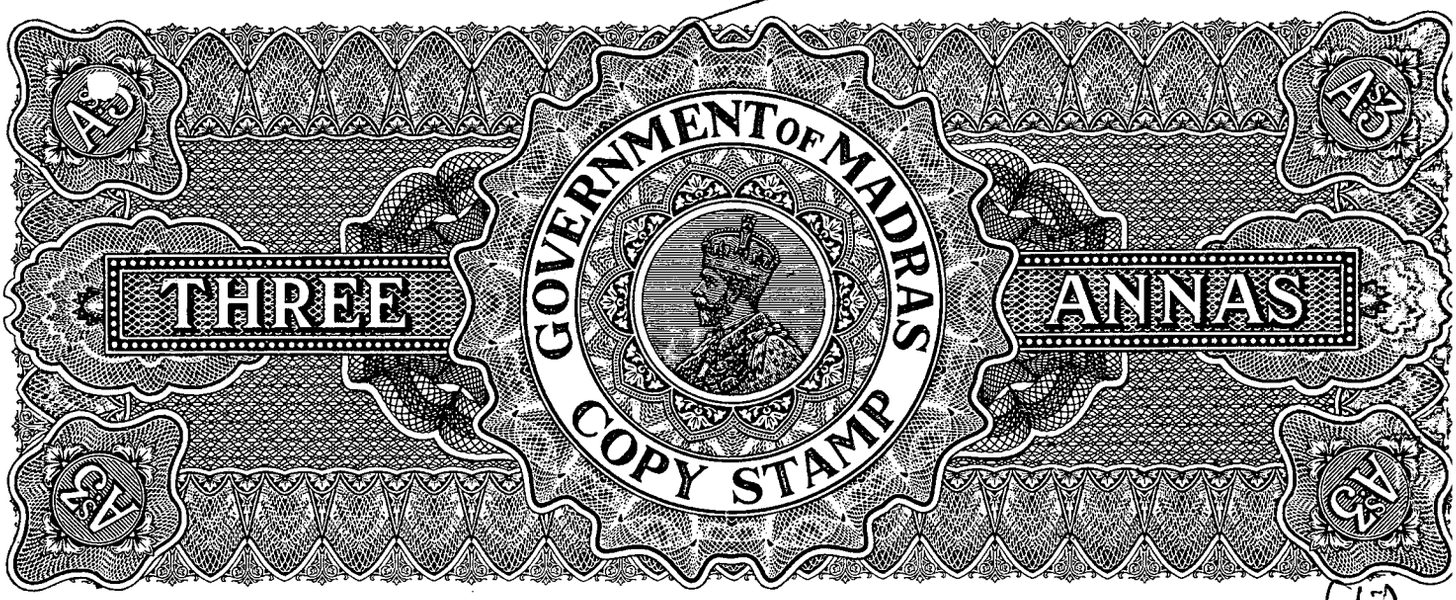
GOVERNMENT OF MADRAS
COPY STAMP
THREE ANNAS

orders the Tahsildar of Hospet notified (4) the sale of the lands on 14.4.30, but as notice of sale was not sent to the Revenue Inspector the sale was not held.

2) In the meanwhile one Dinadayal who had purchased No 59 for Rs 600/- on 30.5.1928 from the borrower's son, put in a petition requesting that the sale of No 59 might be cancelled, that the other lands of the borrower might be proceeded against and that in the event of Government not securing bids to cover the arrears due, No 59 also might be proceeded against.

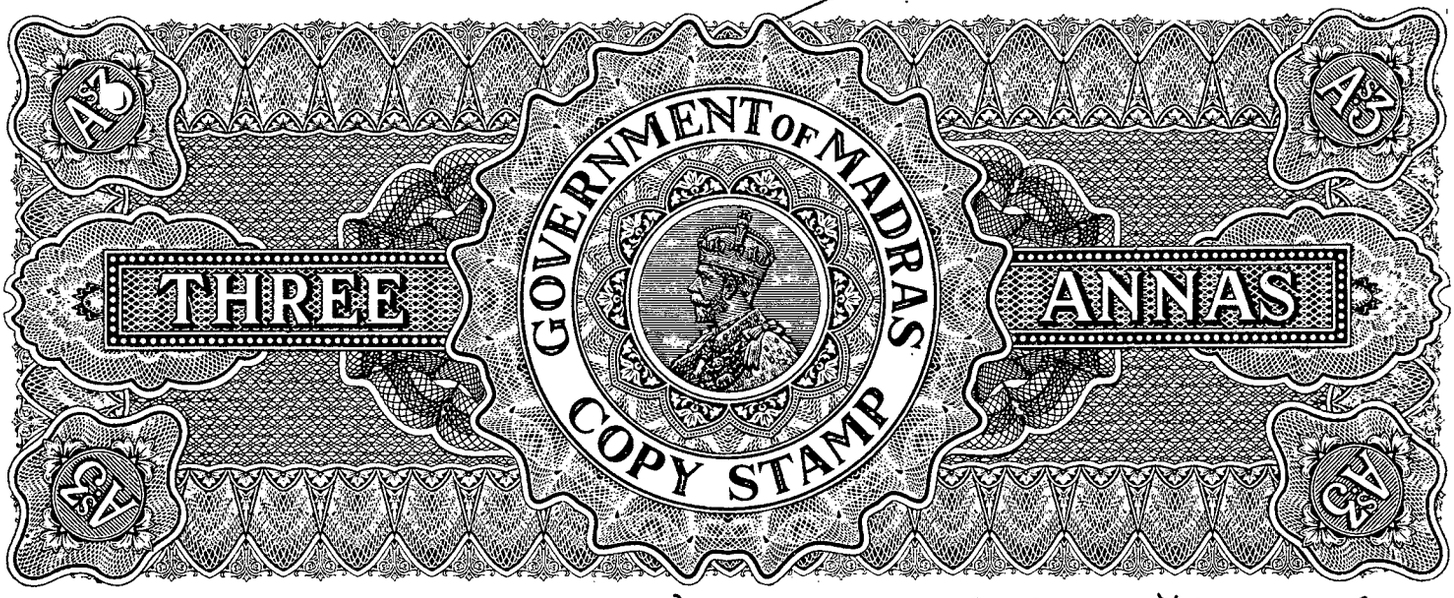
pp 1+2 of (H)

3) A perusal of the sale records shows that there have been irregularities in the conduct of the sale of lands in this case from the beginning to the end. No 80/4 which is the land improved and for which the loan was taken, and No 141/1 one of the lands offered



(57)

as collateral security were first sold. The sale was cancelled as the bids realised were low and the Sub-Collector ordered that all the hypothecated lands should be notified and sold. While notifying the lands for sale a second time, the Taluk office noted cNo 80/4 as the last field to be sold in the sale notice. This land being the land improved should have been the first land to be so the reason for making it the last seems to have been that it was ordered to be sold by the District Munsif in satisfa of a decree in O.S 706/28. But the Subord District Munsif ordered sale of the land subject to the preferential claim of Government over the sale proce on account of the previous hypothecatio of the land of to state-loan. Under illustration 2 to note 2 to rule 5 of th Subsidiary instructions in the Taccavi Manua the



ర308 Rc. 3-0 ఇ వ్యవహారము నందలి వ్రాత 27-4-31 @ 2. వ్యాజ్యము

(6)

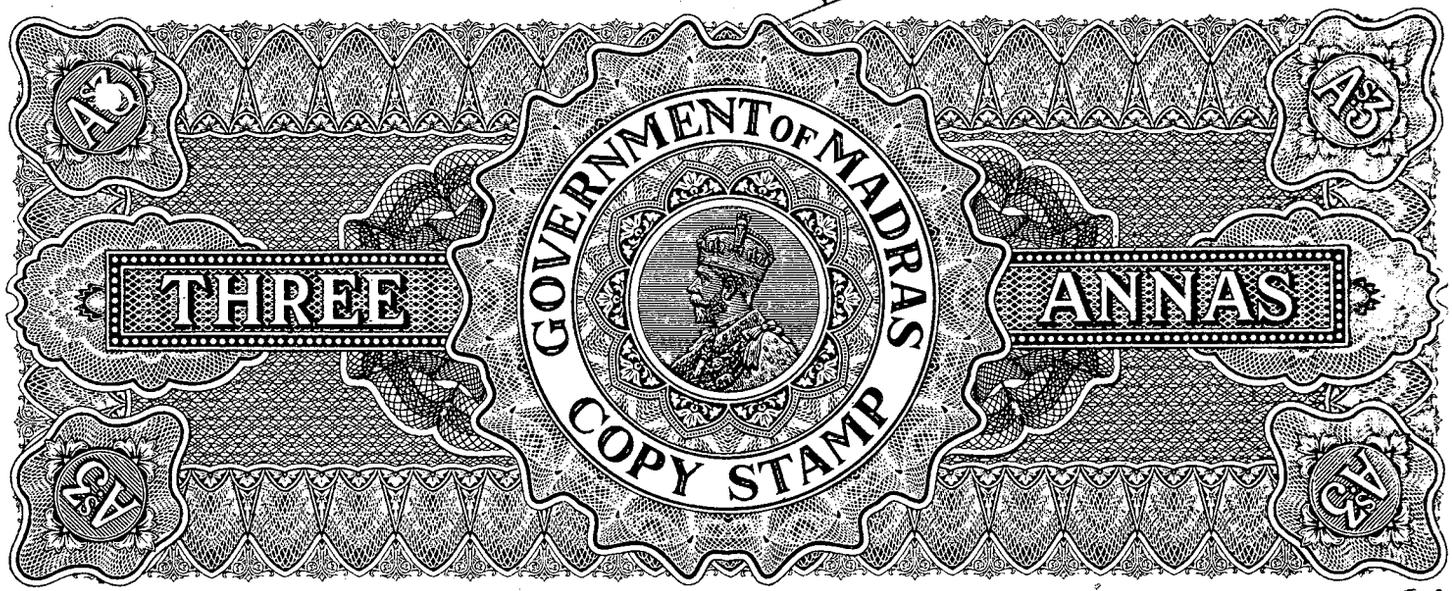
the land to be improved should be sold free of all encumbrances irrespective of the sale ordered by the court as the Government loan is the first charge on it. If this land had been sold it is probable that the full amount of the loan would have been realised, and there would have been no necessity to proceed against the other lands

7. The Tahsildar recommended the confirmation of sNos 171/1 and 59 as the amount realised were reasonable, but the Sub-Collector cancelled the sale of sNo 171/1 and approved the sale of sNo 59, which had been purchased by the petitioner (Deenadayal) from the borrower subsequent to its hypothecation to Government Though sNo 171/1 is alleged to have been given to Lakshmakka for maintenance in 1893 it stands registered in the name of the borrower even to this day in the Revenue Accounts and the record of enquiry held

GOVERNMENT OF MADRAS
THREE ANNAS
COPY STAMP

[illegible] 309 Rs. 3-0 in 2 [illegible] 27.4.31 @ Rs. [illegible] (7)

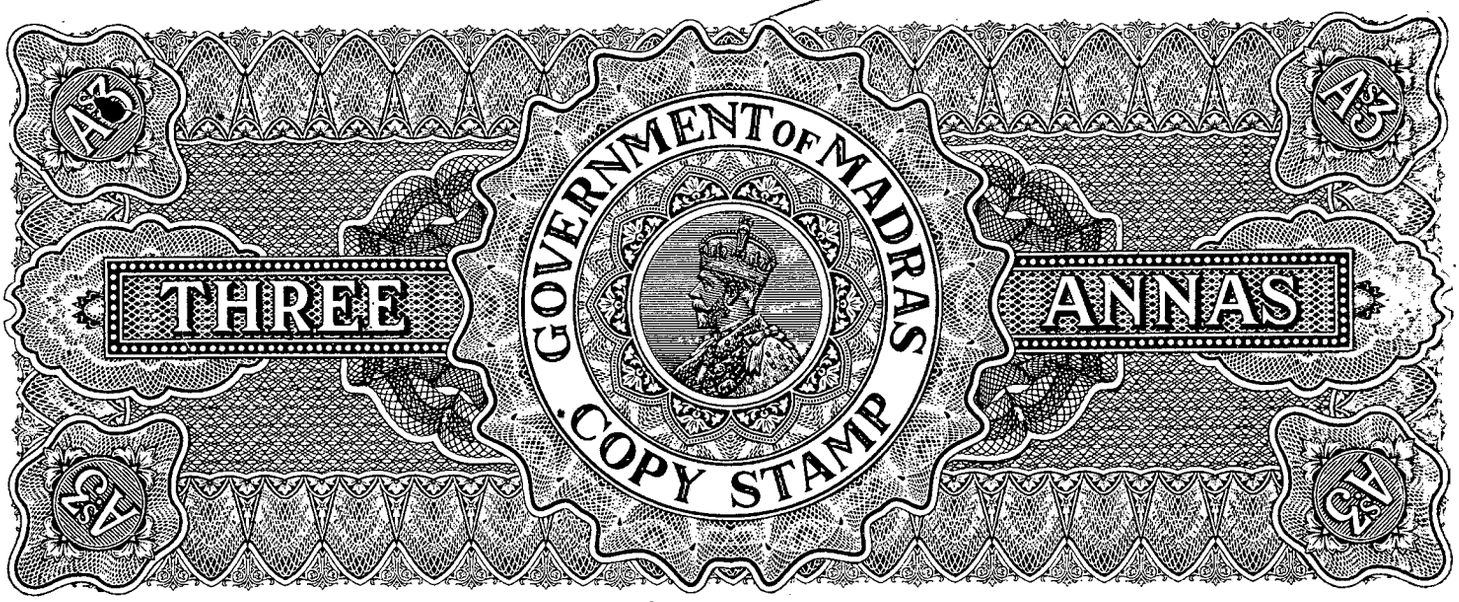
held at the time of the grant of the loan in 1924 shows that the land was in the possession and enjoyment of the borrower. That this land had been given to Lakshmakka for maintenance was never brought to notice by the borrower or the village officers. The borrower Kasi Rao's son Narasinga Rao was himself the Reddi in office of Hampi village. The former and his son treated the alleged deed of 1893 executed in favour of Lakshmakka as a dead letter. The Sub-Collector, Hospet was not justified in cancelling the sale of S.No 171/1 when Lakshmakka protested. His further order that S.No 80/4 which was the land improved and to the sale of which Hanumakka objected should be sold last was another irregularity. These Women Lakshmakka and Hanumakka being close relatives of the borrower were doubtless set up by the borrower's son with a view to secure release of these lands from sale. The present



₹310 Rs.3-0 ನಿಂದ ಪ್ರಾರಂಭವಾಗಿ 27-4-31 ರಂದು ಮುಕ್ತಾಯವಾಗಿದೆ. (8)

present petitioner, Dinadayal, says that he was not aware of the sale of this land, as no notice was issued to him. This may be true and may justify his delay in putting in the objection.

5) On the above circumstances I propose to cancel the sale of S.No 59 and order fresh sales if the land improved had been brought to sale as required by rule 5 of the revised loan rules the arrears due might have been realised and there would have been no need to sell the land purchased by Dinadayal. The Court order for the sale of No 80/4 was to the effect that Government has preferential claims over the sale proceeds. The Sub Collector, Hospet was not justified in postponing the sale of No 80/4 until all other hypothecated lands had been sold. I accordingly order, Subject to the control of the Board of Revenue, the Cancellation of the Sale of No 59 of Hampi Village, as the orders of the Sub Collector were not in accordance with the rules. I further direct that the arrears of loans should be realised by



R. 311 R. 1·3-0 in [illegible] dt. 27-4-31 [illegible] (9)

by selling first the land improved and then other lan
if necessary, offered as collateral security, in th
order in which they are shown in the security bond
executed by the borrowers in 1924.

6) The connected loans records as detailed
below are returned. The sale amount should be refunded
to Subbanachar and immediate steps taken for the
realisation of the arrears due by attaching The lands as
ordered in para 5. The fresh sales should be advertise
for a date sufficiently distant to ~~prevent~~ permit of the Boa
of Revenue exercising its powers of revision of
these orders should it see fit to do so.

(sd.) A.M.A.C. Galletti
Collector 9/12/30

(True copy)

Sd/-
for Collector

27/4/31

Copied by G. Hanumantha Rao

Compared By. H. Bhemakumar Rao
27/4/31

No of Words. 1312

No of Corrections. 5

Date of Receipt. 27/4/31

When Copy ready 27.4.31

Date of despatch 29.4.31.

Subject.—

'FOR MEMBER.

AS (Secy)

READ AGAIN B. P. No. , dated 193

193

READ ALSO :—

Register No. 7 1765 From the 193

193 .

193 .

RESOLUTION.

Board of Rev. / DEPARTMENT.

REMINDER. L. R. and Sett Branch. **REPLY.**

To THE Collector of Bellary.

To THE Board of Revenue Madras

BOARD OF REVENUE 9 - JUL 1931 REVENUE AND SETTLEMENT

The undersigned ~~has the honour to invite~~ is directed to invite attention to the communication noted in the margin and to request that ~~this reminder may be returned at once with information as to~~ the

B&S ref. F No. 1765/31-3, dated 30-5-31

36

A.S. [illegible]

Please see the Collis entry overleaf.

This may be filled and the Bk remitted, if necy.
on 1.8.31. Ally 13.7.31

[illegible]
13.7.31.
IC 4
-13.7.31

37

DEPARTMENT.

eply, please quote
nber, date and short
title.*

Received *Registered* F 4586

From (Name) A.M.A.C. Galletti Esq., M.A.,I.C.S.,

(Designation) Collector of Bellary.

To

Enclosures to Bellary Collector's Ref.C. 2760/31 A.6 dated 10.8.31.

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1. File of land sale records . Pages 1 to 402.
2. Loan records in L.I.L.O. 10/34 pages 1 to 24.
3. Sale deed No. 582 dated 31.5.28.
4. Copy of decree in O.S.No. 356/27 Hospet Munsiff's court.
5. Revenue Divisional Officer's L.Dis.C.No. 2225/29 D dated 22.12.29
6. Collector's D.Dis.C.No. 2566/30A.5 dated 9.12.30.
7. The appeal petition of K.Subbanachar with its enclosures to the Board.

(Sent by regd post)

R.V. 11.8.

Subject. 41

R. F. XXII-A-19—30,004—2-2-31.(6)

FOR MEMBER.

~~Arrears~~ - Loans - (Bellary) - Hos~~pe~~
taluk - Hampi village - Paimash o
59/7 - Sale - Cancellation - Petit
from B. Subbannacharlu - Rejec

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :-- 661-5 & 6

Register No. _____. From the ~~Tahsildar~~ _____, No. _____, dated _____ 193

Note file

Subject :

Advances. Loans. (Bellary Hospet taluk. Hampi village. Petition from Subbanacher.

2/

To Asst Secy. AS (Leg)

Please see appeal petition at pp 1-5 Cf. and the Copy of the Collrs order appealed against at pp 15-31 Cf. The appeal is non-statutory and was preferred in time.

S. No. 59 is one of the lands offered as Collateral Security at p15 Cf any prior encumbrance, if any, has to be respected. The appellant Contends that the claim of Deenadayal mdr. for the land is false and frivolous. He also represents that he has spent about Rs 100/- in improving the lands and reasonably says he will be satisfied if the ~~Govt~~ ~~Landings~~ ~~as~~ paid ~~Govt~~ to him if the sale is to be set aside ~~along with the sale amount~~ the cost of reclamation.

The appeal may be referred to the Collr. for remarks

Draft Submitted

Chr
26.5.31

S

Addl 29.5.31.

Advances - Loans (Bellary) - Hospet taluk - Hampi villag
Paimash No.59/7 - Sale - Cancellation - Petition from
B. Subbannacharlu.

F.4586/31 p.٥١٣

To A.S.

Please see the petition at pp.1--5 c.f. and the Collr's report at p.37 c.f.

2. The facts of the case are fully given in the Collr's order at pp.15--31 c.f. Briefly the facts are as follows:-

The petitioner purchased P.No.59/7 for Rs.322 a sale for loan arrears held on 12-8-29. The sale s confirmed by the Sub-Collr. on 22-12-29. On -4-30 one Deenadayal Mudaliyar put in a petition the Collr. for the cancellation of the sale on the

The land was in his possession from about 12-6-29 to 9-12-30. The petitioner would have realised the assessment from the proceeds of the cultivation of the land during this period.

On the other hand the original purchaser of the land (Deenadayalu Mudr.) will be a loser if the Collr. has not cancelled the sale though strictly speaking he is not entitled to any consideration as his purchase of the land was subsequent to the grant of the Govt. loan. and as it is open to Govt. to bring any land which has been hypothecated for sale.

The Board may decline to interfere with the Collr's order cancelling the Sub-Collr's order confirming the sale. The Board has held that in such cases it has no power to interfere in revision- Vide ~~para~~ page 3 of notes in B.P.Mis. 3808 dated 14-12-29 and the Secy's notes in B.P. Rout. 1201 dated 17-2-30. (The Collr. has stated that his order was subject to the control of the Board of Revenue and he sent a copy of the order to the Board This was lodged.)

F.Section. List of records - B.P. No.Mis.2758; dated 3-9-1931.

MADRAS

14 SEP 1931

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1. File of land sale records ...Pages 1 to 402
2. Loan records in L.I.L.O.10/34 .. Pages 1 to 24
3. Sale deed No. 582 dated 31-5-28
4. Copy of decree in O.S.No. 356/27, ~~dax~~ Hospect Munsiff's Court
5. Revenue Divisional Officer's L.Dis.C.No.2225/29 D, dated 22-12-1929.
6. Collector's D.Dis.C.No.2566/30-A-5, dated 9-12-1930.